

Case 2:13-cr-00002-JPJ-PMS Document 311 Filed 02/02/17 Page 1 of 2 Pageid#: 1009

also show that he has applied for, and has been granted, in forma pauperis status to proceed with a habeas action. 28 U.S.C. § 753(f).

Because McCann has not provided any indication of the basis for his averred habeas corpus action, I cannot find that he has shown that he is pursuing a non-frivolous action. He also has not shown that he has been granted in forma pauperis status.

For these reasons, it is **ORDERED** that McCann's motion (ECF No. 310) is DENIED.

ENTER: February 2, 2017

/s/ James P. Jones
United States District Judge